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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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SK

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/826,414 04/05/01 RINNINGER

H 31530-171041

026694 PM82/1023
VENABLE, BAETJER, HOWARD AND CIVILETTI,
P.O. BOX 34385
WASHINGTON DC 20043-9998

EXAMINER

ADDIE, R. ART UNIT	PAPER NUMBER
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3673
DATE MAILED:

10/23/01

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/826,414

Applicant(s)

Rinninger

Examiner

Raymond Addie

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 5, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Apr 5, 2001 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Art Unit: 3673

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, wedge-shaped supplementary block of Claim 10 must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

Specification

2. Claim 10 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from every preceding claim. See MPEP § 608.01(n). Accordingly, the claim has not been treated on the merits.

Claim Rejections - 35 USC § 112

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Art Unit: 3673

Regarding claims 1-10, the phrase "characterized in that" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 2, lines 3-4 recite "it being preferably possible for each of the cube faces to be used as a horizontal upper face". It is unclear as to what limitation(s) are being put forth.

Claim 3, lines 3-4 recite "provision being made to rotate the molded block..."; it is unclear as to what structural limitations are being recited.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Rinninger # 4,792,257.

Rinninger, as cited by the Applicant, discloses a paving stone comprising:

A molded concrete block (1) for covering an area with paving stones.

Art Unit: 3673

Said molded block having substantially planar faces.

At least one face having a rounded or clothodial portion over a large area running toward at least one side edge. Said molded block has a single or multiple cube shape.

In regards to Claims 2, 3, 5-9 Rinninger discloses the molded block is in the form of a cube with an edge length (L) or (2L) and a width of (L). Rinninger further discloses the molded blocks can have a clothodial surface on at least two opposing surfaces and that at least one edge can be irregularly rounded and have a reduced side edge (4). See figs. 1b-3b, 4; col. 3, line 30-col. 4, line 68.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rinninger # 4,792,257.

Rinninger discloses a plurality of rectangular, molded blocks (3, 3', H, J) each having a length that greater the width in a preferred embodiment. Although Rinninger does not positively recite

Art Unit: 3673

the L/W ratio, it appears from fig. 4 that the length of blocks (J, H) are approximately 4 times the width. Therefore, it would have been obvious to one of ordinary skill in the art, to provide a paving stone of Rinninger with a supplemental paving stone having a different length, in order to vary the pattern of the paved surface and thereby avoid a monotonous appearance.

See col 1, lines 54-col. 2, line 19.

Conclusion

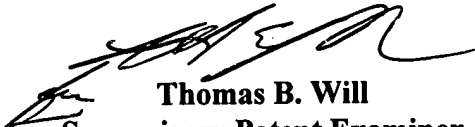
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Milot et al. # 6,168,347 discloses a set of paving stones. Scheiwiller # 4,627,764 discloses a paving stone. Loov # 4,445,802 discloses a system of prefabricated elements. Hagenah # 4,773,790 discloses a concrete stone.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Addie whose telephone number is (703) 305-0135. The examiner can normally be reached on Mon-Fri from 6:30 am to 3:00 pm.

Art Unit: 3673

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



Thomas B. Will
Supervisory Patent Examiner
Group 3600

RWA
10/21/2001